

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

Kyle Dudden

ID #63957

Section 11, Lincoln Township

Grundy County, Iowa

ADMINISTRATIVE CONSENT ORDER

NO. 2007-AFO- 38

RECEIVED
DEC 07 2007
Director's Office

TO: Kyle Dudden
27644 170th Street
Dike, Iowa 50624

VIOLATION: 567 Iowa Administrative Code (IAC) 65.16(3)"b" and "c" and 567 IAC 65.17. You failed to submit a complete Iowa Phosphorus Index manure management plan (MMP) to the Iowa Department of Natural Resources (Department), the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by July 1, 2007. You were sent a notice of these requirements on May 15, 2007, and a Notice of Violation, by certified mail, on July 11, 2007. On August 17, 2007, you were sent a notice, by certified mail, that the matter will be referred to the Department's Legal Services Bureau.

ORDER: You shall submit to Department Field Office #2 your complete MMP and fee within 30 days of the Director signing this Consent Order (Order). In addition, a penalty of \$3,000.00 shall be paid 30 days after the date the Director signs this Order. This penalty shall be paid to the Department, at the address listed below. \$500.00 of this amount is assessed for economic benefit from delayed payment of fees and delayed preparation costs. \$1,250.00 of this amount is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program, and the threat to the integrity of the animal feeding operation program. \$1,250.00 of this amount is for culpability; the MMP requirements have been widely publicized in the industry, ample time for compliance was allowed and you were sent two notices of the requirement and a notice of referral by the Department.

AUTHORITY: Iowa Code §455B.109, §459.103(3); 567 IAC 10.3, 65.16(3)"b" and "c", 567 IAC 65.17.


APPEAL: This Order is entered into knowingly by and with the consent of Kyle Dudden. For that reason, Mr. Dudden waives his right to appeal this Order or any part thereof.

NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §455B.191 and §459.603.



Kyle Dudden

Dated this 26 day of November, 2007



Richard A. Leopold, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 10 day of December, 2007

502 East Ninth Street; Wallace State Office Building; Des Moines, Iowa 50319

VIII C.1; EPA, Carrie Schoenebaum, Ken Hassenius, Field Office 2